

**Planning and Zoning Commission
Minutes of January 18, 2018**

Commissioners Present: Trey Kendrick, Helen LaCour, Richard Warren, Nick Barrera, Lou Ann Martin, Mark Follis, Wyatt Smith, Christina Tschappat and Chairman Hal Lawler

Commissioners Absent:

City Staff Present: Assistant City Manager Jason Weeks, Assistant City Attorney Clark Askins, Planning and Development Director Richard Mancilla, City Planner Ian Clowes, Economic Development Coordinator Ryan Cramer, and Office Coordinator Peggy Lee

1. CALL TO ORDER.

Chairman Hal Lawler called the meeting to order at 6:00 p.m.

2. ROLL CALL OF MEMBERS.

All Commissioners were present for roll call.

3. CONSIDER APPROVAL OF THE MEETING MINUTES:

a. October 19, 2017 Meeting

b. November 16, 2017 Meeting

Motion by Commissioner LaCour to approve the meeting minutes of October 19, 2017, and November 16, 2017. **Second** by Commissioner Smith. **Motion carried.**

Ayes: Commissioners Kendrick, Warren, Follis, Martin, LaCour, Smith, Barrera, Tschappat, and Chairman Lawler.

Nays: None

4. PUBLIC HEARING: Open public hearing to receive input on an application for Zone Change #18-92000001, a request by Terry Medders, applicant and owner, for approval of a zone change from Mid Density Residential (R-2) to General Commercial (GC), on a 1.2 acre tract of land, legally described as Lots 17-32, Block 789, La Porte Subdivision.

The applicant did not arrive to the meeting on time so the Commission opted to table the item until he arrived.

Motion by Commissioner Follis to table discussion of this item until the applicant arrives.
Second by Commissioner Smith. **Motion carried.**

Ayes: Commissioners Martin, Warren, LaCour, Smith, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: None

Upon arrival of the applicant, Chairman Lawler opened the public hearing at 6:17 p.m.

a. Staff Presentation

Ian Clowes, City Planner, presented staff's report on a request by Terry Medders to rezone property along the west side of S. 15th St., south of W. C St. from Mid-Density Residential (R-2) to General Commercial (GC) for future business expansion.

b. Applicant Presentation

Terry Medders, with Medder's Construction, stated he is requesting the zone change so he can utilize the extra space for a lay down yard.

c. Public Comments (for, against, or question)

John Ybarra, 312 S. 15th St., spoke against the rezone. Mr. Ibarra believes it would allow for additional truck traffic and noise, which is already a problem in the area.

Terri Ybarra, is concerned with use of the right-of-way, declining home values, and for safety of the children if the zoning is changed.

Jose Manuel Elizondo expressed concern with drainage and heavy equipment parking if the zoning is changed. Mr. Elizondo also described other negative experiences he's had with area businesses.

Jorge Reynaga, pastor of the church across the street from the property in question, spoke about trucks and heavy equipment parking illegally and tearing up the church's parking lot when they use it to turn around.

Martin Vasquez, 321 S. 15th St., spoke in opposition to the zone change. Mr. Vasquez is concerned with increased traffic, drainage, and for safety of the children.

John Coody, 326 S. 15th St., expressed concern with increased truck traffic and additional street maintenance that will become necessary.

d. Question and Answer

The applicant responded to questions from the Commission.

5. ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 6:58 p.m.

- 6. CONSIDERATION:** Consider recommendation to City Council on Zone Change request #18-92000001.

Motion by Commissioner Warren to recommend City Council denial of Zone Change request #18-92000001. **Second** by Commissioner Barrera. **Motion carried.**

Ayes: Commissioners Kendrick, Follis, Warren, Martin, LaCour, Smith, Barrera, Tschappat, and Chairman Lawler.

Nays: None

- 7. FUTURE LAND USE MAP AMENDMENT:** Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 1.2 acre tract of land, legally described as Lots 17-32, Block 789, La Porte Subdivision, from "Mid-High Density Residential" to "Commercial."

Mr. Clowes presented staff's report for a Future Land Use Map amendment for 1.2 acres, Lots 17-32, Block 789, from "Mid-High Density Residential" to "Commercial."

Motion by Commissioner Warren to recommend City Council denial of an amendment to the Future Land Use Map Amendment. **Second** by Commissioner Follis. **Motion carried.**

Ayes: Commissioners Martin, LaCour, Warren, Smith, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: None

- 8. PUBLIC HEARING:** Open public hearing to receive input on an application for Zone Change #18-92000002, a request by the City of La Porte. The request is for approval of a zone change from High Density Residential (R-3) to Low Density Single Family Residential (R-1), for a 34,217 square foot tract of land located at 330 Bayside Dr. and legally described as Lots 8-10 and the S. ½ of Lot 7, Block 1, Bayside Terrace Subdivision.

Chairman Lawler opened the public hearing at 6:10 p.m.

a. Staff Presentation

Ian Clowes, City Planner, presented staff's report for a City of La Porte initiated zone change for property located at 330 Bayside Dr. The property was previously occupied

by a small apartment complex that has since been demolished. A change in zoning from High Density Residential (R-3) to Low Density Residential (R-1) would be more cohesive with adjacent single family development to the east and west.

b. Applicant Presentation

Presented under *Staff Presentation*.

c. Public Comments (for, against, or question)

Marcus Marin, 3027 Fondren, President of Bayside Terrace Civic Club, spoke in favor of the zone change to single family residential.

d. Question and Answer

No questions were presented

9. ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 6:15 p.m.

10. CONSIDERATION: Consider recommendation to City Council on Zone Change request #18-92000002.

Motion by Commissioner Kendrick to recommend City Council approval of Zone Change request #18-92000002. **Second** by Commissioner Barrera. **Motion carried.**

Ayes: Commissioners Martin, LaCour, Smith, Warren, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: None

11. FUTURE LAND USE MAP AMENDMENT

Mr. Clowes presented staff's report on an amendment to the Future Land Use Map from Mid-High Density Residential to Low Density Residential in conjunction with Zone Change #18-92000002 for 330 Bayside Dr.

Motion by Commissioner Kendrick to approve an amendment to the Future Land Use Map from Mid-High Density Residential to Low Density Residential for property located at 330 Bayside Dr. **Second** by Commissioner Warren. **Motion carried.**

Ayes: Commissioners Martin, LaCour, Smith, Warren, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: None

12. PUBLIC HEARING: Open public hearing to receive input on an application for Special Conditional Use Permit (SCUP) #18-91000001, a request by Brian Downey, applicant, on

behalf of Aldersgate Trust, owner, to allow for an active senior living facility to locate on a 6.96 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots.

Chairman Lawler opened the public hearing at 7:03 p.m.

a. Staff Presentation

Mr. Clowes presented staff's report for Special Conditional Use Permit to develop a 114-unit active senior living facility on the west side of Underwood Rd., north of Fairmont Pkwy. and south of Caniff Rd. Tax credits from the State will help fund the project.

b. Applicant Presentation

Brian Downey, representing Dwayne Henson Investments, and Mark Mucasey described plans for the project and presented images of what the development will look like.

c. Public Comments (for, against, or question)

Bob Wagstaff, 9614 Rustic Gate, President of Summer Winds HOA, spoke in opposition to the project because it would increase traffic on Underwood Rd., decrease property values, be a detriment to his way of living, and the exit across the street will be in conflict with the entrance to this project.

Mike Cobb, 109 Summer Winds Dr., spoke in opposition to the project. Mr. Cobb is concerned about traffic conflicts on Underwood. Mr. Cobb does not believe there is a need for another senior living facility.

Dwayne Henson spoke about state requirements that requires the project to stay a senior project for 35 years.

Jill Anthony, 323 Bayside Dr., questioned what would happen to the project if it failed and the bank had to take it back.

Phillip Thomas, 113 Summer Winds Dr., is concerned with the negative traffic impacts the project would have on Underwood Rd.

Donald Davis, 3621 E. Desert Dr., has drainage, flooding, and traffic concerns.

Richard Lead, 9610 Rustic Gate, spoke about negative impacts the project would cause.

d. Question and Answer

Staff and the applicant responded to questions.

13. ADJOURN PUBLIC HEARING

Chairman Lawler closed the public hearing at 7:50 p.m.

14. CONSIDERATION: Consider recommendation to City Council on SCUP #18-91000001.

Motion by Commissioner Kendrick to recommend City Council approval of SCUP 18-91000001 with the nine permit conditions listed by staff, as well as requiring a traffic impact analysis. **Second** by Commissioner Follis. **Motion Carried.**

Ayes: Commissioners Warren, LaCour, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: Commissioners Martin and Smith

15. GENERAL PLAN: Consider approval or other action regarding a request by Brian Downey, applicant, on behalf of **Aldersgate** Trust, owner, to allow for an active senior living facility, to locate on a 6.96 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots.

Mr. Clowes presented staff's report for the General Plan for an active senior living facility on 6.96 acres of land on the west side of Underwood Rd., north of Fairmont Pkwy. and south of Caniff Rd.

Motion by Commissioner Kendrick to recommend City Council approval of the General Plan for an active senior living facility on 6.96 acres of land on the west side of Underwood Rd., north of Fairmont Pkwy. and south of Caniff Rd. **Second** by Commissioner Follis. **Motion Carried.**

Ayes: Commissioners Warren, LaCour, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: Commissioners Martin and Smith

16. FUTURE LAND USE MAP AMENDMENT: Consider a recommendation to the La Porte City Council on a proposed amendment to the Future Land Use Map component of the La Porte Comprehensive Plan by amending the land use designation for a 6.96 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots, from "Neighborhood Commercial" to "Mid-High Density Residential."

Mr. Clowes presented staff's report for an amendment to the Future Land Use Map.

Motion by Commissioner Kendrick to recommend City Council approval of an amendment to the Future Land Use Map component of the Comprehensive Plan by amending the land use designation of a 6.96 acre tract of land legally described as Tracts 718B, 719, and 719A, La Porte Outlots, from "Neighborhood Commercial" to "Mid-High Density Residential." **Second** by Commissioner Follis. **Motion Carried.**

Ayes: Commissioners Warren, LaCour, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: Commissioners Martin and Smith

17. DISCUSSION ITEM

a. Discuss formation of a review committee for Chapter 106 of the Code of Ordinances.

Chairman Lawler authorized the formation of a committee to review Chapter 106 of the Code of Ordinances. Volunteers include Trey Kendrick, Mark Follis, Wyatt Smith, and Richard Warren. Additionally, two to three staff members will assist.

Chairman Lawler spoke about the importance of addressing city regulations for future multi-family development in La Porte.

b. Discuss changes to Chapter 106 of the Code of Ordinances regarding Hotel/Motel uses.

As a result of recent activity, the Commission has been asked to discuss possible changes to the code regarding hotel/motel uses. The Commission agreed to take this matter up as the first priority of the Chapter 106 review committee.

18. ADMINISTRATIVE REPORTS

Mr. Clowes introduced Jason Weeks as the new Assistant City Manager for the City. Mr. Weeks will be attending Planning and Zoning Commission meetings.

Mr. Clowes announced that Ryan Cramer has been promoted to Economic Development Coordinator.

19. COMMISSION COMMENTS

Commissioners welcomed Jason Weeks to the City and congratulated Ryan Cramer on his promotion.

Staff was asked to check on removal of hurricane damaged cars on both Fairmont and Main at the overpasses.

20. ADJOURN

Motion by Commissioner Kendrick to adjourn. **Second** by Commissioner LaCour. **Motion carried.**

Ayes: Commissioners Martin, Warren, LaCour, Smith, Kendrick, Barrera, Follis, Tschappat, and Chairman Lawler.

Nays: None


Chairman Lawler adjourned the meeting at 7:28 p.m.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Trey Kendrick', written over a horizontal line.

Trey Kendrick
Secretary, Planning and Zoning Commission

Passed and Approved on February 15, 2018.

A handwritten signature in dark ink, appearing to read 'Hal Lawler', written over a horizontal line.

Hal Lawler
Chairman, Planning and Zoning Commission